IN THE DISTRICT COURT OF THE UNITED STATES FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION 3:05cv51

AMANDA U. AJULUCHUKU,)
Plaintiff,)
Vs.) ORDER
BANK OF AMERICA,)
Defendant.)))

THIS MATTER is before the court pursuant to 28, United States Code, Section 636(b), and upon referral from the district court. Now pending before the court is plaintiff's third, *pro se* "Motion for Relief, Motion for Default, Note on Calendar August 5, 2005." In substance, such motion seeks entry of default against defendant Bank of America; however, plaintiff filed this motion before the time ran for such defendant to file its response. Since the filing of the motion, however, the time has expired for defendant to answer or otherwise respond, and no answer or other response has been filed. Plaintiff's motion, deemed to be a motion for entry of default, is returned to the Clerk of this court for disposition, all in accordance with Rule 55(a), Federal Rules of Civil Procedure.

ORDER

IT IS, THEREFORE, ORDERED that plaintiff's third *pro se* "Motion for Relief, Motion for Default, Note on Calendar August 5, 2005," is **DEEMED** to be a Motion for Entry of Default, and is returned to the Clerk of this court for disposition.

If the Clerk deems default is appropriate, the Clerk is respectfully requested to send a courtesy copy of any such entry of default to General Counsel for Bank of America Corporation in addition to C T Corporation System.

Signed: August 10, 2005

Dennis L. Howell United States Magistrate Judge